



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Perani and Yong Joo Kil Art Unit : 2677
Patent No. : 6,963,350 Examiner : Chante E. Harrison
Issue Date : November 8, 2005
Serial No. : 09/898,653
Filed : July 3, 2001
Title : PAINTING INTERFACE TO COMPUTER DRAWING SYSTEM CURVE
EDITING

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d)

Applicants hereby petition for reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced patent. Attached herewith is a copy of the Issue Notification including a Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed October 19, 2005, for the above-referenced patent, which issued on November 8, 2005. The notification, as well as the face of the patent, states that the total Patent Term Adjustment at issuance is 309 days. Reconsideration of the Patent Term Adjustment to decrease Applicant Delay from 104 days to 32 days, and to increase Total PTA from 309 to 381 days, is respectfully requested.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 6, 2006
Date of Deposit
Diana Bradley
Diana Bradley

01/10/2006 WABDEL3 00000112 6963350

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Applicant : Michael Perani and Yong Joo Kil
Patent No. : 6,963,350
Issued : November 8, 2005
Serial No. : 09/898,653
Filed : July 3, 2001
Page : 2 of 4

Attorney's Docket No.: 07844-507001 / P470

REVIEW OF PATENT TERM ADJUSTMENT CALCULATION

A review of the Patent Term Adjustment History in the PAIR/PALM system shows that the United States Patent and Trademark Office (PTO) calculated the following delays with regard to Patent Term Adjustment (PTA):

- 1) Applicants do not dispute herein the calculated PTO Delay of 267 days for the delayed 14-month first Office Action mailed May 28, 2003.
- 2) Applicants do not dispute herein the calculated PTO Delay of 87 days for the delayed office action mailed March 24, 2004.
- 3) Applicants do not dispute herein the calculated Applicant Delay of 32 days for the Request for Continued Examination received by the PTO on July 26, 2004.
- 4) Applicants do not dispute herein the calculated PTO Delay of 59 days for the delayed notice of allowance mailed June 20, 2005.
- 5) Applicants mailed a Response to Notice of Allowance on August 25, 2005, which was received by the U.S. Patent and Trademark Office on August 29, 2005. The filing also included payment of the issue fee and form PTOL-85. The Applicant respectfully disagrees with the calculated Applicant Delay of 72 days for entry of a "Miscellaneous Incoming Letter" and hereby request reconsideration of the patent term adjustment.

Applicant : Michael Perani and Yong Joo Kil
Patent No. : 6,963,350
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REMARKS

A Notice of Allowance was mailed on June 20, 2005. Applicants' Response to Notice of Allowance was received by the U.S. Patent and Trademark Office on August 29, 2005, as indicated by a PTO date-stamped return receipt postcard (copy enclosed).

Along with the form PTO-85b, Applicants filed a document entitled, "Response to Notice of Allowance". In the PAIR/PALM Patent Term Adjustment History, the document is entered as a "Miscellaneous Incoming Letter." Pursuant to 37 CFR §1.704(c)(10) or 1247 OG 111 (Notice dated June 26, 2001), a fee transmittal does not cause interference or delay and will not be considered a "failure to engage in reasonable efforts" to conclude processing or examination of an application and will not result in reduction of a patent term adjustment. Therefore, Applicants respectfully request the removal of 72 days of Applicant Delay accorded due to this entry.

In consideration of the events described above, Applicants believe the PTA calculation of 309 days is incorrect. Applicants kindly request reconsideration of the calculated patent term adjustment to decrease Applicant Delay from 104 days to 32 days, thus increasing the Total PTA from 309 to 381 days.

A copy of each of the following documents is provided herein:

- 1) Issue Notification with Determination of Patent Term Adjustment;
- 2) Response to Notice of Allowance mailed August 25, 2005; and,
- 3) PTO date-stamped postcard indicating receipt date as August 29, 2005.


Applicant : Michael Perani and Yong Joo Kil
Patent No. : 6,963,350
Issued : November 8, 2005
Serial No. : 09/898,653
Filed : July 3, 2001
Page : 4 of 4

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Enclosed is a check in the amount of \$200.00 for the petition fee. Please apply any additional charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 6 January, 2006



Brian J. Gustafson
Reg. No. 52,978

Customer Number 021876
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,653	11/08/2005	6963350	07844-507001	9643

21876 7590 11/19/2005
FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 309 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Michael J. Perani, San Rafael, CA;
Yong Joo Kil, San Francisco, CA;



Attorney's Docket No.: 07844-507001 / P470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Perani, et al. Art Unit : 2677
Serial No. : 09/898,653 Examiner : Chante E. Harrison
Filed : July 3, 2001 Confirmation No.: 9643
Notice of Allowance Date: June 20, 2005
Title : PAINTING INTERFACE TO COMPUTER DRAWING SYSTEM CURVE
EDITING

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ALLOWANCE

In response to the Notice of Allowance mailed June 20, 2005, enclosed are a completed issue fee transmittal form PTOL-85b (1 page), and a check for \$1400 for the required fee.

Please apply any additional charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date: 25 August, 2005

Brian J. Gustafson
Brian J. Gustafson
Reg. No. 52,978

Customer Number 021876
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50295951.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 25, 2005
Date of Deposit
Diana Bradley
Diana Bradley

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated under block 1 below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

21876 7590 06/20/2005

FISH & RICHARDSON P.C.
 P.O. Box 1022
 MINNEAPOLIS, MN 55440-1022

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Diana Bradley (Depositor's name)
 Diana Bradley (Signature)
 August 25, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,653	07/03/2001	Michael J. Perani	07844-507001	9643

TITLE OF INVENTION: PAINTING INTERFACE TO COMPUTER DRAWING SYSTEM CURVE EDITING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	09/20/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
HARRISON, CHANTE E	2677	343-676000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Fish & Richardson P.C.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Adobe Systems Incorporated

San Jose, California

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 06-1050 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Brian J. Gustafson
 Typed or printed name Brian J. Gustafson

Date 25 August, 2005
 Registration No. 52,978

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Attorney's Docket No. 07844-507001	Express Mail Label No.	Mailing Date 8/25/05	For PTO Use Only Do Not Mark in This Area
Application No. 09/898,653	Filing Date July 3, 2001	Attorney/Secretary Init BJG/dmb	
Title of the Invention PAINTING INTERFACE TO COMPUTER DRAWING SYSTEM CURVE EDITING			
Applicant Michael Perani, et al.			
Client Reference No. P470			
Enclosures · Transmittal Letter (1 page) · Check in the amount of \$1400.00 · Issue Fee Transmittal (Part B, 1 page)			

FR FISH & RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
02110-2804

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PAY ONE thousand - four hundred dollars & no/100 DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	8-24-05	1,400.00

FISH & RICHARDSON P.C.

52-153/112

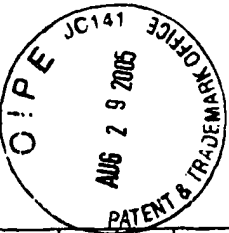


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Attorney's Docket No. 07844-507001		Express Mail Label No.	Mailing Date 8/25/05	For PTO Use Only Do Not Mark in This Area <div style="text-align: center;">  </div>
Application No. 09/898,653	Filing Date July 3, 2001	Attorney/Secretary Init BJG/dmb		
Title of the Invention PAINING INTERFACE TO COMPUTER DRAWING SYSTEM CURVE EDITING				
Applicant Michael Perani, et al.				
Client Reference No. P470				
Enclosures				
Transmittal Letter (1 page) Check in the amount of \$1400.00 Issue Fee Transmittal (Part B, 1 page)				

